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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,233	07/18/2003	Ronald G. Brown	3172	2728

7590 11/12/2004

John C. McMahon
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EXAMINER

BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,233

Applicant(s)

BROWN, RONALD G.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11,13,14,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 9-14 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenlaw et al.

In regard to claim 1, Greenlaw et al. discloses a swivel fitting, which comprises:

a body 11 including a proximal, contact section with a first contact surface and a distal stem 12 section extending from the contact section; the body contact surface extending radially outward and being frusto conical in shape;

said body including proximal and distal ends located at said contact and stem sections respectively;

a body bore extending through said body and open at said ends;

a housing 42 including an outer surface and a receiver including a radially inward second contact surface that is frusto conical and that is sized and shaped to be slidably but sealably received on the body contact surface; the housing outer surface 42 being cylindrical in shape and adapted so as to be sized and shaped to be received on a cylindrical inner surface of a pipe 25; in use said receiver receiving said body contact section with said body and receiver contact surfaces in engagement; and said contact surfaces being slidable with respect to each other whereby said body is pivotably received in said housing.

In regard to claim 2, the first and second contact surfaces having frusto-spherical configurations; said stem section 12 having a generally cylindrical configuration; said body including an axis extending coaxially through said bore; said housing having an annular configuration; and said body being multi-axially pivotably received in said housing.

In regard to claim 3, the housing 42 including an annular seal 41 including said receiver contact surface and an annular sleeve 2 receiving said seal.

In regard to claim 4, the body 11 comprises a material chosen from among: metal.

In regard to claim 5, the housing 42 comprises a material chosen from among: metal.

In regard to claim 6 the seal 41 comprises a material chosen from among: metal, plastic, glass, rubber and elastomer.

In regard to claim 7, said body 11 and said housing assembly 42 have circular cross-sectional configurations.

In regard to claim 9, said stem section 12 includes means 14, 18, 20 for connecting same in sealing engagement with an in-line component.

In regard to claim 10 said stem section connecting means is chosen from among a compression seal 15.

In regard to claim 11 said housing outer surface includes means 43 for connecting same in sealing engagement with an in-line component.

In regard to claim 13, Greenlaw discloses a fluid connection system for connecting first and second fluid components positioned in displaced misalignment or dynamic relationship with respect to each other, which system comprises:

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first 11 and second 14 multi-axis swivel fittings connected to said first and second components respectively,

each said fitting including: a body with a proximal contact section having a radially outward extending frusto-spherical contact surface and a distal stem section 12, 13 extending coaxially therefrom; proximal and distal body ends located at said contact and stem sections respectively;

a body bore extending between and open at said body ends; and a housing assembly including an annular seal 41 with a radially inward facing frusto conical shaped receiver sized and shaped to form a socket to receive the body frusto-spherical contact surface and an annular sleeve 42 receiving said seal 41; the sleeve 42 having a cylindrical radially outer surface; said contact surfaces being in sliding engagement with said body contact sections multi-axially pivotably received in respective said sockets;

a first component connector 25 having a first cylindrical inner surface operably sealably receiving the first fitting sleeve outer surface 11 and fluidically connecting said first component to said first fitting;

an intermediate connector 14, 18, 20 fluidically connecting said first and second fittings; a second component connector 25 having a second cylindrical inner surface operably sealably receiving the second fitting sleeve outer surface and fluidically connecting said second fitting to said second component; and said fittings being independently, multi-axially pivotable whereby said system is adapted for universal, adjustable offset alignment of the components.

In regard to claim 14, said first component connector being connected to said first fitting sleeve;

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said intermediate connector being connected to said body distal ends of said first and second fittings; and

said second component connector being connected to said second fitting sleeve.

In regard to claim 21, Greenlaw discloses a pipe and swivel fitting assembly comprising:

A pipe 26 having a bore and a fitting receiving end 25; the receiving end having a cylindrical inner surface;

A fitting body 11 having an axially extending bore and a radially outward extending frusto conical surface near one end thereof;

A housing 42 sized and shaped to be positioned between the body frusto conical surface and the pipe receiving end cylindrical inner surface;

The housing 42 having a frusto conical surface on the radially inner side thereof sized and shaped to be sealingly but slideably received on the body frusto conical surface; and

The housing 42 having a radially outer cylindrical surface sized and shaped to sealingly mate with the pipe cylindrical inner surface.

In regard to claim 22, the housing includes a seal 41 on the inner side thereof and an annular sleeve 42 operably positioned between the pipe and the seal.

Allowable Subject Matter

3. Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 19-20 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7, 9-11, 13-14 and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

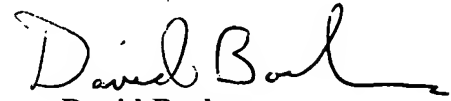
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "David Bochna", with a long horizontal flourish extending to the right.

David Bochna
Primary Examiner
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November 9, 2004